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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,582	10/17/2001	Frank Saier	01-656	7214

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/981,582

Applicant(s)

SAIER, FRANK

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Original claims 1-3 have been examined. The rejections are stated below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US Patent 6351738 B1) in view of Gupta (US Patent 5349535).

With reference to claim 1, Clark discloses a method comprising: providing a central service office for supplying business partner with the necessary equipment, wherein said central service office controls the service process of said business partners, providing a product database comprising all the data about products/services including technical data, and prices, said product data base is supplied with the respective data by the central service office and said data at least in part being received from the business partners, and providing access of said business partners to said product database, wherein said central service office controls the manufacture of the business facilities required for new business partners and delivery of products on demand of the business partners. (See Clark Column 3 line 45 – Column 6 line 14) The HBE is interpreted to include the central office and the business is interpreted to include a service station.

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Clark fails to explicitly teach the step of establishing the business with business partners and the product/service involving battery power devices, including producer, technical data, kinds of accumulators or battery packs or single cells.

Gupta teaches a service station involving battery power devices, including producer, technical data, kinds of accumulators or battery packs or single cells (See Gupta Column 2 lines 45-57 and Column 5 lines 1-5) Official notice is taken that establishing a business with one or more business partners is old and well known in the art. Business partners generally provide seed capital, personnel and expertise to start a business.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the teachings of Gupta to the invention of Clark. The combination of disclosures taken as a whole suggests that Business partners would have benefited from the expertise and supplies involving battery power devices, including producer, technical data, kinds of accumulators or battery packs or single cells offered by the central office. The business partners would not need to search the industry for these products and expertise and thereby they would save valuable time and expense.

With reference to claim 2, Clark discloses access to capital financing than the participant can obtain on its own (See Clark Column 5 lines 45-47 and Column 6 lines 6-10) Access to capital financing than the participant can obtain on its own and discounted acquisition costs and financing rates are interpreted to include the steps of providing a financial office for financing the service station, being purchased by the service station business partner at the central service station; said financial office receiving the necessary data concerning the service station business partner from the central service station.

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With reference to claim 3, Clark and Gupta combined disclose a method of claim 2 as discussed above.

Clark and Gupta combined fail to explicitly disclose the step of controlling the processing of service stations that are given back to said financial office by service station business partners who do not want to continue with the store.

Official notice is taken that the step of controlling the processing of service stations that are given back to said financial office by service station business partners who do not want to continue with the store is old and well known in the art. This step helps the financial office find new business partners for the service station or in the event that they cannot find one it gives them time to liquidate the business.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the step of controlling the processing of service stations that are given back to said financial office by service station business partners who do not want to continue with the store to teachings of Gupta to the invention of Clark. The combination of disclosures taken as a whole suggests that customers would have benefited during the interim period when the business partners no longer manage the business and it financial office benefits from the additional time they get in trying to find new business partners for the service station or in the event that they cannot find one it gives them time to liquidate the business.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

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(703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
May 18, 2003

Richard Weisberger  
Primary Examiner

